

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

FEB 14 2018

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

Criminal No. M-17-0588-S4

MARIN MACRIN CERDA

also known as "Filtro"

JOSE MIGUEL MONTEMAYOR

also known as "El Mickey"

JUAN ANTONIO FLORES

also known as "Paiza"

JOSE GARCIA-DE LA TORRE

also known as "Coco"

also known as "Junior Garcia"

ROBERTO LEE RODRIGUEZ

also known as "El Tio"

also known as "Pica"

FOURTH SEALED SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Count One

From on or about July 7, 2016 to on or about June 7, 2017, in the Southern District of Texas
and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA

also known as "Filtro"

JOSE MIGUEL MONTEMAYOR

also known as "El Mickey"

JUAN ANTONIO FLORES

also known as "Paiza"

JOSE GARCIA-DE LA TORRE

also known as "Coco"

also known as "Junior Garcia"

and

ROBERTO LEE RODRIGUEZ

also known as "El Tio"

also known as "Pica"

did knowingly and intentionally conspire and agree together and with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

Count Two

On or about July 7, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

MARIN MACRIN CERDA
also known as "Filtro"

took and attempted to take a motor vehicle, namely, a 2007 Kenworth tractor trailer bearing VIN 1XKADBBXX7J093155, that had been transported, shipped, and received in interstate and foreign commerce from and in the presence of Ricardo Garcia by force, violence, and intimidation, with the intent to cause death and serious bodily harm.

In violation of Title 18, United States Code, Sections 2119 and 2.

Count Three

On or about June 6, 2017 through June 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"
and
ROBERTO LEE RODRIGUEZ
also known as "El Tio"
also known as "Pica"

did unlawfully obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and attempt to obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery, as the terms robbery and commerce are defined in Title 18, United States Code, Section 1951(b), in that the defendants did unlawfully take and attempted to take controlled substances and drug proceeds from individuals against their will by means of actual or threatened force, violence, or fear of immediate or future injury.

In violation of Title 18, United States Code, Sections 1951(a) and 2.

Count Four

On or about June 5, 2015, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JOSE GARCIA-DE LA TORRE
also known as "Coco"
also known as "Junior Garcia"

did knowingly and intentionally conspire and agree with other persons known and unknown to the Grand Jurors, to possess with intent to distribute a controlled substance. The controlled substance involved was 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(B).

Count Five

On or about November 28, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other, did knowingly carry, brandish, and discharge a firearm, during and in relationship to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

Count Six

On or about November 28, 2016, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other, did knowingly carry, brandish, and discharge a firearm, during and in relationship to a crime of violence for which they may be prosecuted in a court of the United States, namely, and Conspiracy to Interfere with Commerce by Robbery.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

Count Seven

On or about March 12, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"
JOSE GARCIA-DE LA TORRE
also known as "Coco"
also known as "Junior Garcia"
and
ROBERTO LEE RODRIGUEZ
also known as "El Tio"
also known as "Pica"

took and attempted to take a motor vehicle, namely, a 2008 Ford Taurus bearing VIN 1FAHP24W78G158756, that had been transported, shipped, and received in interstate and foreign commerce from and in the presence of Paulina Vargas by force, violence, and intimidation, with the intent to cause death and serious bodily harm.

In violation of Title 18, United States Code, Sections 2119 and 2.

Count Eight

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other, did knowingly carry, brandish, and discharge a firearm, during and in relationship to a drug trafficking offense for which they may be prosecuted in a court of the United States, namely, Conspiracy to Possess with Intent to Distribute a Controlled Substance.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

Count Nine

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other, did knowingly carry, brandish, and discharge a firearm, during and in relationship to a crime of violence for which they may be prosecuted in a court of the United States, namely, Carjacking.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

Count Ten

On or about April 7, 2017, in the Southern District of Texas and within the jurisdiction of the Court, defendants,

MARIN MACRIN CERDA
also known as "Filtro"
and
JOSE MIGUEL MONTEMAYOR
also known as "El Mickey"

aiding and abetting each other, did knowingly carry, brandish, and discharge a firearm, during and in relationship to a drug trafficking offense and crime of violence for which they may be prosecuted in a court of the United States, namely, Conspiracy to Interfere with Commerce by Robbery.

In violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

Count Eleven

On or about January 18, 2018, in the Southern District of Texas and within the jurisdiction of the Court, defendant,

JOSE GARCIA-DE LA TORRE
also known as "Coco"
also known as "Junior Garcia"

an alien who had previously been denied admission, excluded, deported and removed, knowingly and unlawfully entered, attempted to enter, and was at any time found in the United States, to wit: near Edinburg, Texas, said defendant not having obtained the consent to reapply for admission into the United States from the Attorney General of the United States and Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b).

A TRUE BILL


FOREPERSON

RYAN K. PATRICK
UNITED STATES ATTORNEY


ASSISTANT UNITED STATES ATTORNEY